IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2855 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RANGILBHAI VANMALIBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 2855 of 2002

MR CHETAN K PANDYA for Petitioner No. 1

Mr.D.N.Patel for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 25/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N. Patel waives service of rule on behalf of respondent. By consent rule is fixed forthwith.

2. Heard Mr.Pandya for the petitioner and Mr.D.N.

Patel for the respondent. Petitioner has filed this petition for seeking necessary direction to be given to the respondent for correcting the date of birth mentioned in the passport issued in the year 1999. Petitioner has placed reliance upon the birth certificate issued by the Mamlatdar, Kamrej Village wherein the birth date was shown as 2.4.1951. Earlier in 1999 the petitioner relied upon the School Leaving Certificate issued by the Principal of the School wherein the birth date of the petitioner was recorded as 1.6.1951 and as found from the certificate issued by the Mamlatdar of village Kamrej, the birth date of the petitioner is shown as 2.4.1951. It is the case of the petitioner that when the application for correcting the birth date is submitted to the respondent - authority, due to inconsistency in the documents, the respondent - authority has refused to correct the date of birth unless and until he obtains necessary orders from the court and accordingly he approached this court.

3. Mr.Patel appearing for the respondent has submitted that necessary direction be given to the respondent - authority as the passport authority has rightly recorded the birth date of the petitioner while issuing passport in the year 1999 relying upon the School Leaving Certificate. It is the case of the petitioner now that at present he relies upon the document issued by the Mamlatdar in the year 1996. In view of the above and the fact that the application for correcting the birth date of the petitioner is not accepted by the respondent authority, it is directed that if the application is filed relying upon the document issued by the Mamlatdar, the respondent - authority shall examine the correctness of the same and if it is found that the same is genuine, the authority shall accept the request made by the petitioner for correcting the date of birth, in accordance with law.

4. With these observations, this petition is disposed of. Rule is made absolute. Direct service is permitted.

(D.K.Trivedi,J)

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